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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

| EXAMINER | |
|---|---|
| PERUNGAVOOR, SATHYANARAYA V | |
| **ART UNIT** | **PAPER NUMBER** |
| 2625 | |

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | ✓09/698,624 | FISHER ET AL. | |
| | Examiner | Art Unit | |
| | Sath V. Perungavoor | 2625 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *Applicant(s) Response to Official Action*

[1] The response filed on August 16, 2005 has been entered and made of record.

### *Response to Arguments*

[2] Applicant's arguments filed on August 16, 2005 have been fully considered, but some arguments are moot in view of the new ground(s) of rejection necessitated by the applicant's amendment. The Examiner has fully addressed any arguments that were not rendered moot.

**Objection to the Specification**

*Summary of Arguments:*

Applicants direct the Examiner to Page 6, Lines 10-12 in support to matter contained in claims 3 and 30. Accordingly, applicants request the withdrawal of the objection.

*Examiner's Response:*

Agreed. Examiner withdraws the previously made objections.

**Claim Rejections - 35 USC § 103**

*Summary of Arguments:*

Regarding claims 1, 29, 31 and 36, applicants argue the following:

1. Applicants argue that the apparatus of Fishbine does not receive the data from the central processor relating to a processed fingerprint image. It also does not have display for displaying such data [Remarks: Page 13, Paragraph 3].

Regarding claims 4, 15, 22, 25 and 24, applicants challenge the official notice taken by the Examiner. Accordingly, applicants request the withdrawal of the rejections.

*Examiner's Response:*

Examiner respectfully disagrees.

Regarding claims 1, 29, 31 and 36, Examiner respectfully disagrees for the following reasons:

1. Applicants are arguing the reference Fishbine reference alone, while the rejection is made with the combination of Fishbine and Glaze and the Examiner relied on Glaze for the argued teachings. However, in order to expedite prosecution, Examiner directs the applicants to Glaze's abstract, where this can be glaringly seen. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Accordingly, Examiner maintains the rejections.

Regarding claims 4, 15, 22, 24 and 26, Examiner acquiesces the applicants' timely challenge to the official notice. Examiner cites US 4,866,764, US 4,933,976, US 4,917,987 and US 4,835,372 as supporting evidence for sustaining the previously made rejections.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**[3]** Claims 1, 2, 4-9, 29, 31 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine et al. (USPN 5,222,152, previously cited), hereafter Fishbine, in view of Glaze et al. (USPN 6,320,974, previously cited), hereafter Glaze.

Regarding claim 1, Fishbine discloses a method of real-time identification and verification of the identity of a person comprising the following steps: providing a portable handheld device 10 (Figure 1; Column 3, Lines 4-36); capturing an image of a fingerprint (Column 3, Lines 13-17); storing (recording) fingerprint images in temporary data storage (image recording media) of the portable handheld device (Column 4, Lines 10-29); enhancing (digitizing and processing) the fingerprint image (Column 3, Lines 33-36); after enhancing the fingerprint image, transmitting fingerprint images to a central processor for processing (Column 4, Lines 42-51); processing the transmitted fingerprint images to determine if there is matching fingerprint information (identity verification) in central data storage (Column 4, Lines 45-51); and displaying the data received on a display 26 of the portable handheld device (Column 3, Lines 19-30; Column 4, Lines 30-40). Fishbine does not explicitly disclose processing the fingerprint image to determine if the fingerprint image meets a predetermined quality level. Fishbine also does not explicitly disclose receiving data from the central processor relating to the processed fingerprint image, but such a limitation is implicitly disclosed if not inherent because the operator of the portable identification

verification system must receive some sort of feedback from the central facility as to the identification of the fingerprint, otherwise the portable system is useless.

Glaze discloses a stand-alone biometric identification system wherein quality analysis is performed on a scanned fingerprint data to make sure the fingerprint image is of sufficient quality [Column 7, Lines 57-65; Abstract]. Glaze further discloses a communications link between remote workstations and a centralized server for transmitting and receiving updated workstation files (Column 5, Line 54-Column 6, Line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine if the fingerprint image meets a predetermined quality level and receive data from the central processor relating to the processed fingerprint image as taught by Glaze in order to make sure that the fingerprint image is of sufficient quality (Column 7, Lines 61-63; Abstract) and to ensure that all the data needed to perform identification matching is provided at every workstation by periodic updates made via a communications link such as public switched telephone network, cellular, or satellite based communications (Column 8, Lines 5-13).

Regarding claim 2, Fishbine discloses that the step of capturing a fingerprint image includes the steps of: positioning the finger on a finger receiving surface of the portable device; and scanning a slap imprint of the finger (Column 3, Lines 15-19).

Regarding claim 4, Fishbine discloses that the step of capturing a fingerprint image includes the steps of: positioning the finger on a finger receiving surface of the portable device; and scanning an image of the finger (Column 3, Lines 15-19), but does not explicitly disclose that the image is a rolled fingerprint. The examiner takes Official Notice that

scanning a rolled fingerprint is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to scan a rolled fingerprint in order to obtain an image of the entire fingerprint including the sides for increase matching and security.

Regarding claim 5, Fishbine discloses that the step of capturing a fingerprint comprising scanning a latent imprint (inked fingerprint images on paper) is well known in the art (Column 1, Lines 18-27).

Regarding claim 6, Glaze discloses that the step of capturing a fingerprint image includes the step of determining the image quality of the fingerprint captured (Column 7, Lines 61-63).

Regarding claim 7, Fishbine discloses that the step of transmitting fingerprint images includes the steps of: a wireless transmission from the portable handheld device to a wireless mobile unit for processing (Column 3, Lines 19-36); and wireless transmission from the wireless mobile unit to the central processor for comparison of the fingerprint images transmitted to a plurality of previously stored images to immediately determine identity and background information on individuals being fingerprinted in the field (Column 4, Lines 42-51).

Regarding claim 8, Fishbine discloses including the step of capturing a facial image ("mug shot") and transmitting the captured facial image to a central processor (Column 4,

Lines 52-64), wherein the step of transmitting the facial image to the central processor includes the steps of: a wireless transmission from the portable handheld device to a wireless mobile unit for processing (Column 3, Lines 19-36); and wireless transmission from the wireless mobile unit to the central processor for comparison of the facial images transmitted to a plurality of previously stored facial images to immediately determine identity and background information on individuals in the field (Column 4, Lines 42-51).

Regarding claim 9, Fishbine discloses including the steps of recording, displaying, and transmitting live video images captured (Column 4, Lines 30-40), wherein the step of transmitting the live video images captured includes the steps of: a wireless transmission of the live video images captured from the portable handheld device to a wireless mobile unit for processing; and wireless transmission of the live video images captured from the wireless mobile unit to the central processor for storage in central data storage (Column 4, Lines 42-51 and Line 61-Column 5, Line 9).

Regarding claim 29, Fishbine discloses a method of real-time identification and verification of the identity of a person comprising the following steps: providing a portable handheld device 10 (Figure 1; Column 3, Lines 4-36); capturing a facial image (Column 4, Lines 52-64); storing (recording) facial images in temporary data storage (video tape recorder) of the portable handheld device (Column 5, Lines 2-9); transmitting facial (fingerprint) images to a central processor for processing (Column 4, Lines 42-51); processing the transmitted facial images to determine if there is matching facial information (identity verification) in central data storage (Column 4, Lines 45-51); receiving data from the

central processor relating to the processed facial image (see above discussion of claim 1); and displaying the data received on a display 26 of the portable handheld device (Column 3, Lines 19-30; Column 4, Lines 30-40). Fishbine does not explicitly disclose that the facial images are stored in temporary data storage and transmitted to a central processor to determine if there is matching facial information in central data storage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store, transmit and process facial images along with fingerprint images as taught by Fishbine in order to perform identity verification of a person using a facial image instead of, or in addition to a fingerprint image.

Regarding claim 31, all claimed limitations are set forth and rejected as per discussion for claim 1.

Regarding claim 33, all claimed limitations are set forth and rejected as per discussion for claims 2 and 4.

Regarding claim 34, all claimed limitations are set forth and rejected as per discussion for claim 8.

Regarding claim 35, all claimed limitations are set forth and rejected as per discussion for claim 5.

**[4]** Claims 3, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claims 1 and 29 above, and further in view of Blonder (USPN 4,414,684, newly cited).

Regarding claims 3 and 30, Fishbine discloses the finger receiving surface captures fingerprint images using an illumination source 16 consisting of light-emitting diodes attached to side surfaces of the finger prism (Column 3, Lines 56-60), but does not explicitly disclose that fingerprint images are captured in varying illumination conditions ranging from bright sunlight to total darkness or that the step of capturing a facial image may be performed in varying illumination conditions ranging from intense illumination to total darkness. Blonder discloses a method and apparatus for performing comparison of given patterns wherein a closed-loop control circuit is provided to regulate lamp brightness to compensate for various lighting conditions (Column 12, Line 67-Column 13, Line 12; Column 26, Lines 3-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to capture fingerprint or facial images under varying illumination conditions ranging from bright sunlight (intense illumination) to total darkness as taught by Blonder in order to compensate for various light conditions caused by various degrees of darkening in the recorded area of an identification card or variation in coloring of the finger placed on the prism (Column 12, Line 67-Column 13, Line 7) or to prevent counterfeiting and unauthorized attempts by regulating the lamp brightness in a closed-loop manner whenever a signal level produced by the photo detector is too weak (Column 26, Lines 3-26).

Regarding claim 32, all claimed limitations are set forth and rejected as per discussion for claims 1 and 3.

**[5]** Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claim 1 above, and further in view of Fuller et al. (USPN 4,843,377, cited on applicant's IDS), hereafter Fuller.

Regarding claim 10, Fishbine discloses recording, playing back, displaying, analyzing, and transmitting information (live video images) captured (Column 4, Lines 30-40), wherein the step of transmitting the information captured includes the steps of: a wireless transmission of the information captured from the portable handheld device to a wireless mobile unit for processing; and wireless transmission of the information captured from the wireless mobile unit to the central processor to determine identity and background information on individuals in the field (Column 4, Lines 42-51 and Line 61-Column 5, Line 9). Fishbine further discloses that the video camera may also be connected to a microphone (Column 5, Lines 2-4), but does not disclose that the microphone is used to record audio information that is utilized as the live video image information described above. Fuller discloses a remote confinement system including an identity verifier 15 such as a pictorial camera, which develops visual image information to be transmitted over communications link to a central office 12 (similar to Fishbine). Fuller goes on to disclose that an alternative embodiment employs voice information that may be transmitted to the central office as a characteristic voiceprint unique to the prisoner (Column 6, Line 66-Column 7, Line 8) and an identifying comparison is then made automatically at the home location or alternatively at

the central office (Column 7, Lines 31-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to compare the audio information transmitted to a plurality of stored voice files to immediately determine identity and background information on individuals in the field as taught by Fuller in order to verify an individual's identity using an alternative or additional biometric that is unique to the individual (Column 7, Lines 6-17) or to provide a dual purpose sampling device for obtaining breath and voice samples in such a way that samples are obtained sufficiently close together so they are assured of coming from the same individual (Column 8, Lines 10-16).

**[6]** Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claim 1 above, and further in view of Smith (USPN 6,012,636, previously cited).

Regarding claim 11, Fishbine does not explicitly disclose capturing identification data from an external source. Smith discloses a multiple card data system having first and second memory elements including magnetic strip and fingerprint scanning means wherein identification data (data unique to the card user including name, birth date, social security number, etc.) is captured from an external source (user card 10; Column 8, Lines 11-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to capture identification data from an external source as taught by Smith in order to prevent a user from having a negative reaction to fingerprint imaging because the fingerprint is compared to a record of the user's fingerprint stored in the device (user card) rather than being compared to an impersonal, possibly remote, database (Column 5, Lines 10-44).

Regarding claim 12, Smith discloses that the external source is an identification card having a magnetic strip (14) bar code (Figure 2b; Column 8, Lines 16-22).

Regarding claim 13, Smith discloses that the external source is a smart card (Figure 3a; Column 8, Lines 23-31).

**[7]** Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claim 1 above, and further in view of Fan (USPN 6,552,682, previously cited).

Regarding claim 14, neither Fishbine nor Glaze discloses capturing geographical position and direction data. Fan discloses a method for distributing location-relevant information using a network including providing access only after proper identification or authentication using, for example, a scanned and digitized fingerprint (Column 11, Lines 20-38) wherein locations can be determined using a global positioning system (GPS; Column 11, Lines 1-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to capture geographical position and direction data as taught by Fan in order to supply the client (user) with information specific to the GPS position thereby relieving the client of the task of filtering for relevant information (Column 1, Line 62-Column 2, Line 7), or using the GPS position in a business or financial transaction as a code word to authenticate the digital instrument or to identify the first party or to establish the location for legal and other purposes (Column 2, Lines 8-24).

Regarding claim 15, Fan does not explicitly disclose the step of transmitting a signal for emergency assistance, but it is disclosed that a directory assistance service may provide GPS location in response to a name or telephone number query (Column 11, Lines 9-14). The examiner takes Official Notice that transmitting a signal for emergency assistance is well known in the art such as the universal 911 emergency assistance telephone number. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit a signal for emergency assistance in order to alert authorities of an emergency situation or that help is needed in some life-threatening or other situation.

**[8]** Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze as applied to claim 1 above, and further in view of Fishbine et al. (USPN 4,811,414, newly cited, hereafter Fishbine '414).

Regarding claim 28, Fishbine discloses enhancing (digitizing and processing) the fingerprint image, but does not explicitly disclose that enhancing comprises at least one of the following steps: thresholding the image; enhancing contrast of the image; enhancing sharpness of the image; and inverting the image. Fishbine '414 discloses methods for digitally noise averaging and illumination equalizing fingerprint images wherein enhancing the fingerprint image comprises at least one of the following steps: thresholding the image (Column 16, Lines 39-45; Column 24, Lines 6-12; Column 32, Line 20-Column 33, Line 15); enhancing contrast of the image (Column 33, Line 53-Column 34, Line 6); enhancing sharpness of the image; and inverting the image. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to enhance the fingerprint image as taught by Fishbine '414 in order to produce a high contrast enhanced fingerprint image by thresholding, correcting for vertical scale, horizontal scale and curvature errors, noise averaging and illumination equalization (Column 3, Lines 2-55).

**[9]** Claims 16-18, 22, 25-27, 36 and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze and further in view of Mark (USPN 5,583,933, previously cited).

Regarding claim 16, Fishbine discloses a portable apparatus (10) for identification and verification of a fingerprint comprising: a housing (inherent) that provides for operation and command of all functions of the apparatus (Figure 1; Column 3, Lines 4-13); a user interface (terminal 28) attached to the housing for data input (keyboard), display (monitor 26), and receipt (fingerprint scanner 12), the user interface including at least a finger-receiving surface (finger prism 14) for receiving images of a fingerprint and buttons (keyboard) for data entry and command execution (Column 3, Lines 7-14); a sensor (image recorder 18) positioned within the housing for capturing the fingerprint images from the finger-receiving surface (Column 3, Lines 15-17); a transmitter (30) positioned within the housing and electrically connected to the processor for transmitting fingerprint images to a central processor (mobile unit/central facility) for identification and verification (Column 4, Lines 33-51: Note that the claimed "transmitting" makes no mention of a *direct link* with the central processor. Furthermore, most networking operations are done through switches, which act as intermediate devices similar to the mobile unit. Hence, Fishbine's transmitter

meets the claim limitations.); and a module operating within the processor for the enhancement (digitizing and processing) of the fingerprint image prior to transmittal of the fingerprint image (Column 3, Lines 19-35; Column 4, Lines 42-51).

Fishbine does not explicitly disclose a processor positioned within the housing and electrically connected to the sensor for processing the fingerprint images captured to determine if the fingerprint images captured meet a minimum fingerprint quality level.

Glaze discloses a processor positioned within the housing and electrically connected to the sensor for processing the fingerprint images captured to determine if the fingerprint images captured meet a minimum fingerprint quality level (Column 7 Lines 57-65; 65 on Figure 2; Column 10 Lines 13-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Fishbine with Glaze to perform quality verification, in order to obtain better quality fingerprints (Column 7 Lines 61-63).

Fishbine and Glaze do not disclose that said housing has an ergonomic handle formed thereon that provides one hand operation and command of all functions of the apparatus. Mark discloses a method and apparatus for the secure communication of data including an auto-dialer used to store and supply biometric information for controlling access to a system using an input device 903 such as a microphone (Column 50, Lines 22-37 and 45-55) and discloses that the process can be applied to other biometric measures such as fingerprints, retina, etc. (Column 51, Lines 20-24). Mark further discloses that the auto-dialer housing 101, with elongated handle 140 (Column 61, Lines 22-32), includes activation switch 131 and scroll buttons 119 provided on the top side of the housing to facilitate easy one-handed operation (Column 61, Lines 39-49). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide a housing having an ergonomic handle formed thereon that provides one hand operation and command of all functions of the apparatus as taught by Mark in order to make the device more convenient and simple to use by limiting the number of buttons used for operation and to free up the user's other hand for other uses (Column 62, Line 64-Column 63, Line 5).

Regarding claim 17, Fishbine discloses that the portable handheld device further includes a module operating within the processor that provides for the capture of the fingerprint image prior to transmittal (Column 3, Lines 19-22).

Regarding claim 18, Glaze discloses that the portable handheld device further includes data storage (databases) electrically connected to the sensor (Column 5, Lines 58-67) for storing the fingerprint images that meet a minimum fingerprint quality level (see above discussion of claims 1 and 6).

Regarding claim 22, Fishbine does not disclose that the user interface includes a bar code reader for entry of identification data, but the examiner takes Official Notice that using a bar code reader to enter identification data is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enter identification data using a bar code reader in order to quickly and automatically enter identification data using a hand-held scanner without having to make contact with the item onto which the bar code is printed.

Regarding claim 25, Glaze discloses that the user interface includes a data entry (keyboard) device for entry of text (biodata) or voice data (Column 7, Line 66-Column 8, Line 5).

Regarding claim 26, Fishbine discloses that the step of capturing a fingerprint comprising scanning a latent imprint (inked fingerprint images on paper) is well known in the art (Column 1, Lines 18-27), but does not explicitly disclose that the portable apparatus includes a latent fingerprint alignment guide. The examiner takes Official Notice that providing a latent fingerprint alignment guide is well known in the fingerprinting art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a latent fingerprint alignment guide in order to ensure that the latent fingerprint is properly aligned on the imaging sensor.

Regarding claim 27, Fishbine discloses that the transmitter is a wireless transmitter (Column 3, Lines 19-36).

Regarding claim 36, all claimed limitations are set forth and rejected as per discussion for claims 1 and 16.

Regarding claim 39, all claimed limitations are set forth and rejected as per discussion for claims 1 and 16.

Regarding claims 40, all claimed limitations are set forth and rejected as per discussion for claims 1, 16, 8, and 26.

Regarding claim 41, Arndt et al. (US 4, 917, 987) discloses the portable apparatus of claim 40 wherein the alignment guide is removable (10 on Figure 1).

Regarding claims 42-43, all claimed limitations are set forth and rejected as per discussion for claims 1, 16 and 26.

**[10]** Claim 19, 37, 38 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze in view of Mark as applied to claim 16 above, and further in view of Fujieda et al. (USPN 6,011,860, previously cited), hereafter Fujieda.

Regarding claim 19, Fishbine does not disclose a removable baffle for preventing illumination sources to interfere with capturing the fingerprint on the finger-receiving surface. Fujieda discloses a small, reliable image input apparatus incorporated in a fingerprint collation system of personal identification including a photo-shield case 21 having an opening 21b shaped like a finger (Figure 3; Column 5, Lines 29-40). Fujieda does not explicitly disclose that the photo-shield case is removable, but it would be logical to make it removable to allow for replacement in the case of breakage, or different-sized openings for different-sized fingers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a removable baffle on the finger-

receiving surface as taught by Fujieda in order to prevent the inner space 21a from being illuminated by external light (Column 5, Lines 33-37).

Regarding claim 37, all claimed limitations are set forth and rejected as per discussion for claims 1, 16 and 19.

Regarding claim 38, Fujieda discloses the portable apparatus of claim 37 wherein the baffle is arranged and configured to align a fingerprint with the finger receiving surface such that fingerprint characteristics are properly located relative to the sensor (21b on Figure 3; Column 5, Lines 29-40).

Regarding claim 44, all claimed limitations are set forth and rejected as per discussion for claims 1, 16 and 38.

**[11]** Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze in view of Mark as applied to claim 16 above, and further in view of Fuller.

Regarding claim 20, Fishbine discloses a recorder that records and plays back video information that is analyzed by the processor and also that a microphone may be connected to the video camera (Column 4, Lines 30-40; Column 5, Lines 2-9), but does not explicitly disclose that the recorder records and plays back audio information that is analyzed by the processor. Fuller discloses an embodiment employing voice information that may be transmitted to the central office as a characteristic voiceprint unique to the prisoner (Column

6, Line 66-Column 7, Line 8) and an identifying comparison is then made automatically at the home location or alternatively at the central office (Column 7, Lines 31-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to record and play back audio information that is analyzed by a processor as taught by Fuller in order to verify an individual's identity using an alternative or additional biometric that is unique to the individual (Column 7, Lines 6-17) or to provide a dual purpose sampling device for obtaining breath and voice samples in such a way that samples are obtained sufficiently close together so they are assured of coming from the same individual (Column 8, Lines 10-16).

**[12]** Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze in view of Mark as applied to claim 16 above, and further in view of Smith.

Regarding claim 21, Fishbine does not disclose that the user interface includes a card reader for entry of identification data from smart cards or cards having magnetic strips. Smith discloses a multiple card data system having first and second memory elements including magnetic strip and fingerprint scanning means wherein identification data (data unique to the card user including name, birth date, social security number, etc.) is captured from an identification card having a magnetic strip (14) bar code (Figure 2b; Column 8, Lines 11-22), or a smart card (Figure 3a; Column 8, Lines 23-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to capture identification data from a card reader for entry of identification data from smart cards or cards having magnetic strips as taught by Smith in order to prevent a user from having a

negative reaction to fingerprint imaging because the fingerprint is compared to a record of the user's fingerprint stored in the device (user card) rather than being compared to an impersonal, possibly remote, database (Column 5, Lines 10-44).

**[13]** Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishbine in view of Glaze in view of Mark as applied to claim 16 above, and further in view of Fan.

Regarding claim 23, Fishbine does not disclose a GPS receiving electrically connected to the processor to provide for the capture of geographical position and direction data. Fan discloses a method for distributing location-relevant information wherein locations can be determined using a global positioning system (GPS; Column 11, Lines 1-14; see above discussion of claim 14).

Regarding claim 24, both Fishbine and Glaze disclose a wireless transmitter electrically connected to the processor, and Glaze discloses a single switch (submit button) that initiates sending of data to databases stored in the computer of the workstation (Column 8, Lines 4-7). Fan discloses that a directory assistance service may provide GPS location in response to a name or telephone number query (Column 11, Lines 9-14), but none explicitly disclose that a single switch transmits a signal for emergency assistance. The examiner takes Official Notice that transmitting a signal for emergency assistance is well known in the art such as the universal 911 emergency assistance telephone number, which could be programmed as a "speed dial" number, etc. It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit a signal for emergency

assistance in order to alert authorities of an emergency situation or that help is needed in some life-threatening or other situation.

## *Conclusion*

**[14]** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

## *Contact Information*

**[15]** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Sath V. Perungavoor whose telephone number is (571) 272-7455. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Bhavesh M. Mehta whose telephone number is (571) 272-7453, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sath V. Perungavoor
Group Art Unit: 2625
Telephone: (571) 272-7455
Date: October 12, 2005

KANJIBHAI PATEL
PRIMARY EXAMINER